





Timothy W. Dore
U.S. Bankruptcy Court Judge
(Dated as of Entered on Docket date above)

Judge Timothy W. Dore

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE

In Re:

JOHN RYAN BAYS,

Debtor.

RONALD G. BROWN, solely as trustee for
the Bankruptcy Estate of John Ryan Bays,

Plaintiff,

v.

BAYS FAMILY TRUST; AND PREMIER
TRUST, INC. AS TRUSTEE FOR BAYS
FAMILY TRUST,

Defendants.

CHAPTER 7 CASE NO. 18-11387-TWD

ADVERSARY PROCEEDING NO. 18-01168-
TWD

SECOND AMENDED DEFAULT JUDGMENT
AGAINST BAYS FAMILY TRUST AND
PREMIER TRUST, INC., AS TRUSTEE FOR
BAYS FAMILY TRUST, FOR AVOIDANCE
OF TRANSFERS, DECLARATORY JUDG-
MENT, DETERMINATION OF PROPERTY
OF THE ESTATE, TURNOVER, AND FOR
OTHER RELIEF

JUDGMENT SUMMARY

Judgment Creditor:

Ronald G. Brown, solely as trustee for the
Bankruptcy Estate of John Ryan Bays

SECOND AMENDED DEFAULT JUDGMENT - 1

KRIEGMAN LAW OFFICE, PLLC
2100 One Union Square
600 University Street
Seattle, WA 98101
(206) 903-0344

Below is the Judgment of the Court.

Judgment Creditor's Attorney: Bruce P. Kriegman, Esq.,
Kriegman Law Office, PLLC
600 University Street, Suite 2100
Seattle, WA 98101

Judgment Debtors: Bays Family Trust; and Premier Trust Inc. as trustee for Bays Family Trust

Principal Judgment Amount: Not applicable

DEFAULT JUDGMENT

THIS MATTER came before the Court pursuant to (a) the Second Order Imposing Sanctions Against Bays Family Trust (Docket No. 18, hereafter the “Order”) wherein the Court struck the answer filed by Bays Family Trust (Docket No. 6), held Bays Family Trust (hereafter the “Trust”) in default, and provided for Plaintiff to submit a default judgment against the Trust; (b) the Ex Parte Order for Default Against Defendant Premier Trust, Inc. as Trustee for Bays Family Trust. (Docket No. 26, hereafter the “Default Order”) wherein the Court authorized Plaintiff to present a proposed default judgment against Defendant Premier Trust, Inc. as trustee for Bays Family Trust; and (c) the Plaintiff’s Ex Parte Motion for Second Amended Default Judgment Against Defendant Bays Family Trust to Add Premier Trust, Inc. (as Trustee for Bays Family Trust) as a Judgment Debtor. Based upon the Order, the Default Order, Plaintiff’s Amended Complaint for Avoidance of Transfers, Declaratory Judgment, Determination of Property of the Estate, Turnover, and for Other Relief with exhibits filed therewith (Docket No. 2), the pleadings and records in the above captioned adversary proceeding (hereafter the “Action”) and the main case, the Court grants and awards the Plaintiff judgment against the Trust and against Premier Trust, Inc., as trustee for Bays Family Trust, as set forth herein. NOW, THEREFORE,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED as follows:

SECOND AMENDED DEFAULT JUDGMENT - 2

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(206) 903-0344

Below is the Judgment of the Court.

1 1. The Action is a core proceedings within the Court's subject matter jurisdiction under 28
2 U.S.C. §§157 and 1334 and other applicable law.

3 2. The Court has personal jurisdiction over the parties to the Action; and the Court is the
4 proper venue for the Action.

5 3. Plaintiff is entitled to declaratory relief pursuant to the Federal Declaratory Judgment
6 Act, 28 U.S.C. §2201 et. seq. as set forth herein.

8 4. The Trust is not a valid trust and/or is void as a self-settled trust under Washington law.

9 5. The Debtor's pre-bankruptcy transfer(s) of his interest in Sunset Bay Holding LLC
10 (hereafter "SBH") by assignment of certificates of membership for SBH or otherwise constitute
11 fraudulent transfers pursuant to 11 U.S.C. §544 and RCW 19.40.041. The above described transfers are
12 hereafter called the "Transfers".

14 6. The Transfers are hereby avoided and awarded to the Trustee for the benefit of the
15 bankruptcy estate of John Ryan Bays (the "Estate") pursuant to 11 U.S.C. §550 and other applicable
16 law.

17 7. The Transfers are preserved for the benefit of the Estate in accordance with 11 U.S.C.
18 §551 and other applicable law.

20 8. Any and all assets and property of the Trust including but not limited to all right title and
21 interest in SBH constitute property of the Estate.

22 9. In accordance with 11 U.S.C. §§542 and 543, the Trust and Premier are hereby directed
23 to turn over and deliver any and all assets or property of or held by the Trust to the Plaintiff and/or his
24 duly designated agents.

26 10. There is no just reason for delay pursuant to Fed.R.Bank.P. 7054 and Fed.R.Civ.P. 54(b)

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SECOND AMENDED DEFAULT JUDGMENT - 3

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Below is the Judgment of the Court.

1 and this judgment is a final judgment.
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3 ///END OF ORDER///
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9 Presented by:
10

11 KRIEGMAN LAW OFFICE, PLLC
12

13 /s/ Bruce P. Kriegman
14 Bruce P. Kriegman, WSBA# 14228
15 Attorney for Plaintiff
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SECOND AMENDED DEFAULT JUDGMENT - 4

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